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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,404	01/30/2004	Jeff Byers	P012	8228

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EXAMINER
SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/769,404	BYERS ET AL.
	Examiner	Art Unit	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 January 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _01/30/2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-33 are presented for examination.

Claim Objections

2.   Claim 23 is objected to because of the following informalities: a
computer-usable may be typographical error in claim 23, line 2. Appropriate
correction is required.

Claim Rejections - 35 USC § 101

3.   Claims 23-33 are rejected under 35 U.S.C. § 101 for being non
statutory. Claims that recite nothing but the physical characteristics of a
form of energy, such as a frequency, voltage, or the strength of a magnetic
field, define energy or magnetism, per se, and as such are nonstatutory
natural phenomena. Moreover, it does not appear that a claim reciting a
signal encoded with functional descriptive material falls within any of the
categories of patentable subject matter set forth in § 101. In the
specification, page 2, paragraph 0018, "The program or

code segments can be stored in a processor-readable medium or

transmitted by a computer data signal **embodied in a carrier wave** over a

transmission medium or communication link."

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

5.   Claims 1-33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nandi et. al. (7,272,674) (hereinafter Nandi) in view of

Klotz et al. (US 2004/0054776) (hereinafter Klotz).

6.   As per claim 1, Nandi discloses a system comprising: a server coupled

to a network (310, fig 3);

a network adapter to couple said server to said network (340, fig 3),

said network adapter having a plurality of adapter ports (340,345, fig 1);

and

an adapter driver executing on said server (330, fig 3), said adapter driver having a plurality of instances corresponding to said plurality of adapter ports (330, fig 3), wherein said adapter driver (330, fig 3), in response to a request to change a configuration of a selected instance of said plurality of instances, is to (col 2, lines 35-60; col 5, lines 39-64) , determine if there is data flow through the selected instance of said adapter driver (col 5, lines 39-64; col 6,lines 33-54), and reinitialize said selected instance of said plurality of instances without rebooting said server (Dynamic multipathing driver, 330 fig 3, col 5, lines 39-64; col 6,lines 33-54). Nandi specifically does not disclose to block all subsequent data flow through the selected instance of said adapter driver, block all subsequent information requests to said adapter driver relating to the selected instance. However, Klotz discloses to block all subsequent data flow through the selected instance of said adapter driver (page 19, para #0125), block all subsequent information requests to said adapter driver relating to the selected instance (page 19, para #0125). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Klotz and Nandi. The motivation would have been to prevent corruption conditions while configuring HBA.

7. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Klotz discloses a storage coupled to said server via said network adapter (204 fig 2), and wherein said network is a storage area network and said network adapter is a Fibre Channel host bus adapter with PCI-X connectivity (page 23, para #0146).

8. The As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Klotz discloses server is one of a Solaris.TM. server and a Windows.TM. server (serer, page 23, para #0146).

9. The As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Nandi discloses adapter driver manages at least said plurality of adapter ports of said network adapter, and wherein each of said plurality of adapter ports are referenced individually on a per-instance basis by said adapter driver (340,345, fig 3, col 2, lines 35-60).

10. The As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Nandi discloses adapter driver further manages a second network adapter having a second plurality of adapter ports, and wherein each of said second plurality of adapter ports are also referenced individually on a per-instance basis by said adapter driver (DMP, fig 3, col 2,

lines 35-60).

11.   The As per claim 6, the claim is rejected for the same reasons as claim

1, above. In addition, Klotz discloses using a graphical user interface of a

driver management application (page 46, para #0272), a user may issue

said request to change the configuration of said selected instance of said

plurality of instances (page 46, para #272).

12.   The As per claim 7, the claim is rejected for the same reasons as claim

1, above. In addition, Klotz discloses request to change the configuration of

said selected instance is one of a driver parameter update request, a driver

unload/load request, and a request to recognize a new device on said

network (troubleshooting, page 19, para #0125; page 46 #272).

13.   The As per claim 8, the claim is rejected for the same reasons as claim

1, above. In addition, Klotz discloses said driver management application is

further to parse a configuration file of said selected instance into a

name/value parameter list (page 19, para #0125; page 46, para #272).

14.   The As per claim 9, the claim is rejected for the same reasons as claim

1, above. In addition, Klotz discloses driver management application

retrieves a previous initialization time stamp for the selected instance, said

previous initialization time stamp to indicate the last time said selected

instance was initialized (page 14, #0092).

15.   The As per claim 10, the claim is rejected for the same reasons as

claim 1, above. In addition, Nandi discloses said driver management

application is further to, clear a plurality of old driver parameters for said

selected instance, define a plurality of new driver parameters based on said

request for the configuration change, and request that said adapter driver

activate said plurality of new driver parameters (col 2,lines 35-60, col 5,

lines 39-64).

16.   The As per claim 11, the claim is rejected for the same reasons as

claim 1, above. In addition, Nandi discloses said driver management

application, following said reinitialize of the selected instance of said plurality

of instances is to, request a new initialization time stamp for the selected

instance, compare said new initialization time stamp to said previous

initialization time stamp, and if said new initialization time stamp is later

than said previous initialization time stamp, indicate that said reinitialization

of said selected instance is successful (col 2,lines 35-60, col 5, lines 39-64).

17. As per claims 12-22 and 23-33, claims are rejected for the same reasons as claims 1-11 above.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,959,343

U.S. Pub 2003/0021282

U.S. Patent 7,222,349

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS